

REMARKS/ARGUMENTS

Claims 1-6 and 8-22 are pending in this application. Claim 1 is independent. Claims 1, 3, 4, and 5 are amended. Claims 8-22 are withdrawn.

Applicant thanks Examiners Rutkowski and Kizou for the courtesies extended at the interview on May 9, 2008. Further to the conversation on May 9, Applicant amends claim 1 to incorporate the subject matter previously recited in claim 7. Accordingly, Applicant cancels claim 7 without prejudice to, or disclaimer of, the subject matter recited therein.

In section 2 on page 2, the Office Action objects to claim 7, alleging that there is insufficient antecedent basis for the term "the excessive rate." Applicant respectfully traverses this objection for at least the following reasons.

As amended to incorporate the subject matter of claim 7, claim 1 now uses the indefinite article "an" instead of the definite article "the." In addition, to clearly provide antecedent basis, the subject matter of claim 7 has been reworded to recite the following phrase: "a cause of a packet rate exceeding the packet rate limit." For at least the foregoing reasons, Applicant respectfully requests that the objection be withdrawn.

In sections 5-7 on pages 2-3, the Office Action rejects claim 1 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of U.S. Patent No. 7,177,311 to Hussain et al (hereinafter "Hussain") and U.S. Patent No. 6,728,270 to Meggers et al (hereinafter "Meggers"). In sections 8-9 on pages 3-4, the Office Action rejects claim 2 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Hussain, Meggers, and Published U.S. Patent Application No. 2004/0252693 to Cheriton et al (hereinafter "Cheriton"). In sections

10-13 on pages 4-5, the Office Action rejects claim 3 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Hussain, Meggers, Published U.S. Patent Application No. 2004/0062200 to Kesavan (hereinafter "Kesavan"), and U.S. Patent No. 5,432,784 to Ozveren (hereinafter "Ozveren"). In sections 14-18 on pages 5-6, the Office Action rejects claims 4-6 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Hussain, Meggers, Kesavan, Ozveren, and U.S. Patent No. 6,851,008 to Hao (hereinafter "Hao"). In sections 19-20 on pages 6-7, the Office Action rejects claim 7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Hussain, Meggers, and Published U.S. Patent Application No. 2002/0009079 to Jungck et al (hereinafter "Jungck"). Applicant respectfully traverses these rejections for at least the following reasons.

Claim 1 is amended to incorporate the subject matter previously recited in claim 7. Thus, the reasons for the allowability of claim 1 will be described in greater detail below in connection with the rejection of claim 7. For at least the foregoing reasons, Applicant respectfully requests that the rejection of claim 1 as allegedly being unpatentable over the combination of Hussain, Meggers, and the other references of record be withdrawn.

Regarding claim 7, the Office Action correctly concedes in section 20 on page 6 that the combination of Hussain and Meggers does not disclose, teach or suggest "determining a cause of a packet rate exceeding the packet rate limit," as previously recited in claim 7 and now recited in claim 1. In order to overcome this correctly conceded deficiency in Hussain and Meggers, the Office Action relies on Jungck.

However, as discussed during the interview on May 9, 2008, and memorialized in the Interview Summary, Jungck also fails to disclose, teach, or suggest this subject matter. In addition, Cheriton, Kesavan, Ozveren, and Hao fail to overcome the deficiencies in Hussain, Meggers and Jungck discussed above.

Accordingly, claims 2-6 are allowable based at least on their dependence from claim 1 for the reasons stated above in connection with the rejections of claim 1. As discussed above, claim 7 is canceled without prejudice to, or disclaimer of, the subject matter recited therein, this subject matter being incorporated into claim 1.

For at least the foregoing reasons, Applicant respectfully requests that the rejections of claims 1-7 under 35 U.S.C. § 103 be withdrawn.

In addition, during the interview on May 9, 2008, the Examiner expressed concern regarding the interpretation of the claim language. As discussed during the Interview, Applicant respectfully directs the Examiner's attention to the following portions of the specification to aid in the interpretation of the claims.

In the Detailed Description, paragraph [0031] recites, in part, "determining the cause of the excessive rate." The same language occurs in paragraph [0043]. As for the cause, paragraph [0023] indicates that a pattern b attack may use "a flow of short packets." Thus, as recited in paragraph [0024], the invention can "detect and prevent malicious attacks of pattern b."

More specifically, as stated in paragraph [0031], denied packets may be extracted and placed in a queue. Examination of the denied packets in this queue may provide information

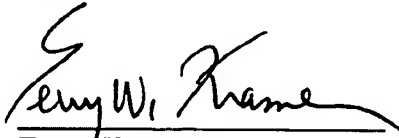
about the particulars of a Denial-of-Service (DoS) attack. In addition, as further stated in paragraph [0032], a high number of discards may suggest a likely DoS attack.

CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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